

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Declaration for Patent Application

[] Supplemental (37 C.F.R. §1.67)


As a named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor (if only one name is listed) or an original, first and joint inventor (if plural names are listed in the signatory page(s) commencing at page 2 hereof) of the subject matter which is claimed and for which a patent is sought on the invention entitled

INHALABLE EPINEPHRINE

the specification of which (check one)

[] is attached hereto.

[X] was filed on June 26, 2003 as United States Application

Number or PCT International Application No. 10/607,571

and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119 or 365 of any foreign application(s) for patent or inventor's certificate, or of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed:

| <u>Prior Foreign Application(s)</u> | Priority Not Claimed | Certified Copy Filed? YES | NO |
|-------------------------------------|----------------------------|---------------------------------|-------------|
| (Number) _____ | (Country) _____ | (Day/Month/Year filed) _____ | [] [] [] |
| (Number) _____ | (Country) _____ | (Day/Month/Year filed) _____ | [] [] [] |
| (Number) _____ | (Country) _____ | (Day/Month/Year filed) _____ | [] [] [] |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole

or first inventor Richard P. Batycky

Inventor's Signature 

Date July 103

Residence 11 Madison Avenue

Newton, Massachusetts 02460

Citizenship Canada

Mailing Address Same as above

Full name of second joint

inventor, if any Giovanni Caponetti

Inventor's Signature 

Date

Residence Via Romagnosi 33

Piacenza, Italy 29100

Citizenship Italy

Mailing Address Same as above

Full name of third joint

inventor, if any Mariko Childs

Inventor's Signature 

Date 6.30.03

Residence 21 Bowdoin Street

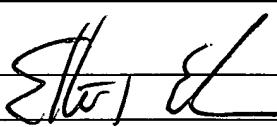
Arlington, Massachusetts 02474

Citizenship United States

Mailing Address Same as above

Full name of fourth joint

inventor, if any Elliot Ehrich

Inventor's Signature 

Date 6/30/03

Residence 2 Oak Meadow Road

Lincoln, Massachusetts 01773

Citizenship United States

Mailing Address Same as above

Full name of fifth joint

inventor, if any Karen Fu

Inventor's Signature Karen Fu Date 7/18/03

Residence 20 Mead Street, #2

Cambridge, Massachusetts 02140

Citizenship United States

Mailing Address Same as above

Full name of sixth joint

inventor, if any Jeffrey S. Hrkach

Inventor's Signature Jeffrey S. Hrkach Date 7/1/03

Residence 24 Cambridge Terrace, Unit 2

Cambridge, Massachusetts 02140

Citizenship United States

Mailing Address Same as above

Full name of seventh joint

inventor, if any Wen-I Li

Inventor's Signature Wen-I Li Date 6/30/03

Residence 32 James Street

Lexington, Massachusetts 02420

Citizenship Taiwan

Mailing Address Same as above

Full name of eighth joint

inventor, if any Michael M. Lipp

Inventor's Signature Michael M. Lipp Date 7/2/03

Residence 11 Salvi Drive

Framingham, Massachusetts 01701

Citizenship United States

Mailing Address Same as above

Full name of ninth joint

inventor, if any Mei-Ling Pan

Inventor's Signature Mei-Ling Pan Date 6/30/03

Residence 34 Myrtle Avenue

Cambridge, Massachusetts 02138

Citizenship United States

Mailing Address Same as above

Full name of ninth joint inventor, if any Jason Summa
Inventor's Signature Jason S Date 7/2/03
Residence 438 Massachusetts Avenue, Apt. 228
Arlington, Massachusetts 02474
Citizenship United States
Mailing Address Same as above



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Declaration for Patent Application

[] Supplemental (37 C.F.R. §1.67)

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INHALABLE EPINEPHRINE

the specification of which (check one)

[] is attached hereto.

[X] was filed on June 26, 2003 as United States Application

Number or PCT International Application No. 10/607,571

and was amended on _____ (if applicable).

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| <u>Prior Foreign Application(s)</u> | | | <u>Priority Not Claimed</u> | <u>Certified Copy Filed?</u> |
|-------------------------------------|------------------|-------------------------------|-------------------------------------|----------------------------------|
| <u>(Number)</u> | <u>(Country)</u> | <u>(Day/Month/Year filed)</u> | <u>YES</u> | <u>NO</u> |
| _____ | _____ | _____ | [] | [] |
| _____ | _____ | _____ | [] | [] |
| _____ | _____ | _____ | [] | [] |

-2-

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of soleor first inventor Richard P. Batycky

Inventor's Signature

Date

Residence 11 Madison AvenueNewton, Massachusetts 02460Citizenship CanadaMailing Address Same as above

Full name of second jointinventor, if any Giovanni CaponettiInventor's Signature Giovanni CaponettiDate 20.JUN.03Residence Via Romagnosi 33Piacenza, Italy 29100Citizenship ItalyMailing Address Same as above

Full name of third jointinventor, if any Marko Childs

Inventor's Signature

Date

Residence 21 Bowdoin StreetArlington, Massachusetts 02474Citizenship United StatesMailing Address Same as above

Full name of fourth jointinventor, if any Elliot Ehrich

Inventor's Signature

Date

Residence 2 Oak Meadow RoadLincoln, Massachusetts 01773Citizenship United StatesMailing Address Same as above

Full name of fifth joint

inventor, if any Karen Fu

Inventor's Signature Karen Fu Date 7/18/03

Residence 20 Mead Street, #2

Cambridge, Massachusetts 02140

Citizenship United States

Mailing Address Same as above

Full name of sixth joint

inventor, if any Jeffrey S. Hrkach

Inventor's Signature Jeffrey S. Hrkach Date 7/1/03

Residence 24 Cambridge Terrace, Unit 2

Cambridge, Massachusetts 02140

Citizenship United States

Mailing Address Same as above

Full name of seventh joint

inventor, if any Wen-I Li

Inventor's Signature Wen-I Li Date 6/30/03

Residence 32 James Street

Lexington, Massachusetts 02420

Citizenship Taiwan

Mailing Address Same as above

Full name of eighth joint

inventor, if any Michael M. Lipp

Inventor's Signature Michael M. Lipp Date 7/2/03

Residence 11 Salvi Drive

Framingham, Massachusetts 01701

Citizenship United States

Mailing Address Same as above

Full name of ninth joint

inventor, if any Mei-Ling Pan

Inventor's Signature Mei-Ling Pan Date 6/30/03

Residence 34 Myrtle Avenue

Cambridge, Massachusetts 02138

Citizenship United States

Mailing Address Same as above

Full name of ninth joint

inventor, if any Jason Summa

Inventor's Signature Jason S. Date 7/12/07

Residence 438 Massachusetts Avenue, Apt. 228

Arlington, Massachusetts 02474

Citizenship United States

Mailing Address Same as above



Docket No. 2685.2046-003

STATEMENT UNDER 37 C.F.R. § 3.73(b)

Applicants: Richard P. Batycky, Giovanni Caponetti, Mariko Childs, Elliot Ehrich, Karen Fu, Jeffrey S. Hrkach,
Wen-I Li, Michael M. Lipp, Mei-Ling Pan and Jason Summa

Application No.: 10/607,571 Filed: June 26, 2003

For: INHALABLE EPINEPHRINE

Advanced Inhalation Research, Inc., a corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is

A. the assignee of the entire right, title and interest in the patent application identified above; or

B. an assignee together with of the entire right, title and interest in the patent application identified above.

The right, title and interest of the above-named assignee in the patent application identified above is established by virtue of:

A. An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or a copy thereof is attached.

OR

B. A chain of title from the inventor(s) of the patent application identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Date: 7/24/03

Name: Claire M. Vasio

Title: Vice President of Intellectual Property

Signature: Claire M. Vasio

COPY
ASSIGNMENT

WHEREAS, we, **Richard P. Batycky, Giovanni Caponetti, Mariko Childs, Elliot Ehrich, Karen Fu, Jeffrey S. Hrkach, Wen-I Li, Michael M. Lipp, Mei-Ling Pan and Jason Summa**, have invented a certain improvement in **INHALABLE EPINEPHRINE** described in an application for Letters Patent of the United States, the specification of which:

- [X] is being executed on even date herewith and is about to be filed in the United States Patent Office;
- [] was filed on [] as Application No. [];
- [] was patented under U.S. Patent No. [] on [].

WHEREAS, **Advanced Inhalation Research, Inc.** (hereinafter "ASSIGNEE"), a corporation organized and existing under the laws of the **State of Delaware**, and having a usual place of business at **88 Sidney Street, Cambridge, Massachusetts 02139** desires to acquire an interest therein in accordance with agreements duly entered into with us;

NOW, THEREFORE, to all whom it may concern be it known that for and in consideration of said agreements and of other good and valuable consideration, the receipt of which is hereby acknowledged, we have sold, assigned and transferred and by these presents do hereby sell, assign and transfer unto said ASSIGNEE, its successors, assigns and legal representatives, the entire right, title and interest in and throughout the United States of America, its territories and all foreign countries, in and to said invention as described in said application, together with the entire right, title and interest in and to said application and such Letters Patent as may issue thereon; said invention; application and Letters Patent to be held and enjoyed by said ASSIGNEE for its own use and behalf and for its successors, assigns and legal representatives, to the full end of the term for which said Letters Patent may be granted as fully and entirely as the same would have been held by us had this assignment and sale not been made; we hereby convey all rights arising under or pursuant to any and all international agreements, treaties or laws relating to the protection of industrial property by filing any such applications for Letters Patent. We hereby acknowledge that this assignment, being of the entire right, title and interest in and to said invention, carries with it the right in ASSIGNEE to apply for and obtain from competent authorities in all countries of the world any and all Letters Patent by attorneys and agents of ASSIGNEE's selection and the right to procure the grant of all such Letters Patent to ASSIGNEE for its own name as assignee of the entire right, title and interest therein;

COPY

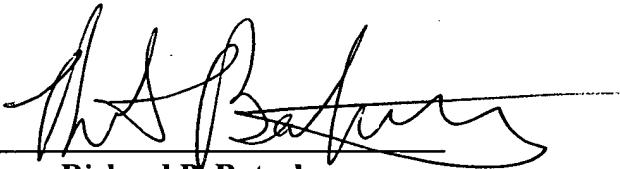
-2-

AND, we hereby further agree for ourselves and our executors and administrators to execute upon request any other lawful documents and likewise to perform any other lawful acts which may be deemed necessary to secure fully the aforesaid invention to said ASSIGNEE, its successors, assigns and legal representatives, but at its or their expense and charges, including the execution of applications for patents in foreign countries, and the execution of substitution, reissue, divisional or continuation applications and preliminary or other statements and the giving of testimony in any interference or other proceeding in which said invention or any application or patent directed thereto may be involved;

AND, we do hereby authorize and request the Commissioner of Patents of the United States to issue such Letters Patent as shall be granted upon said application or applications based thereon to said ASSIGNEE, its successors, assigns, and legal representatives.

IN TESTIMONY WHEREOF, we have hereunto set our hands and affixed our seals the date set forth below.

Inventor:

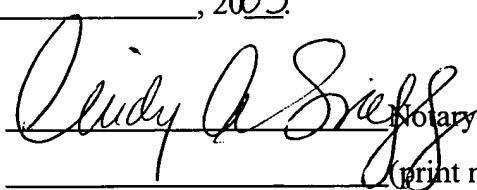

Richard P. Batycky

State/Commonwealth
of Massachusetts
County of Middlesex

Then personally appeared before me the above-named **Richard P. Batycky** and acknowledged that he/she executed the foregoing instrument as his/her free act and deed this

July 1st day of 2003

(SEAL)


Notary Public

(print name)

My Commission expires / /

CINDY A. SRAGG
Notary Public
My Commission Expires
January 23, 2009

COPY

Inventor: _____

Giovanni Caponetti

State/Commonwealth

of _____

County of _____

Then personally appeared before me the above-named **Giovanni Caponetti** and acknowledged that he/she executed the foregoing instrument as his/her free act and deed this _____ day of _____, 20 ____.

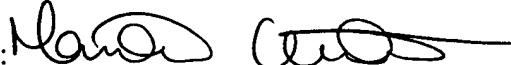
Notary Public

(SEAL)

(print name)

My Commission expires ____ / ____ / ____

Inventor: _____



Mariko Childs

State/Commonwealth

of Massachusetts

County of Middlesex

Then personally appeared before me the above-named **Mariko Childs** and acknowledged that he/she executed the foregoing instrument as his/her free act and deed this 30th day of June, 2003.

Notary Public

(SEAL)

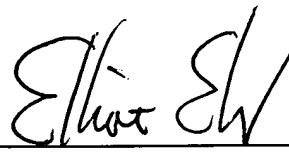
(print name)

My Commission expires ____ / ____ / ____

CINDY A. SRAGG
Notary Public
My Commission Expires
January 23, 2009

COPY

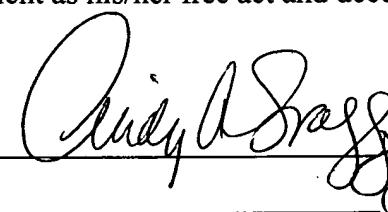
Inventor:



Elliot Ehrich

State/Commonwealth
of Massachusetts
County of Middlesex

Then personally appeared before me the above-named **Elliot Ehrich** and acknowledged that
he/she executed the foregoing instrument as his/her free act and deed this 30th
day of June, 2003.



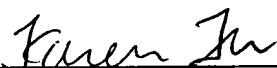
Cindy A. Sragg Notary Public
(print name)

(SEAL)

My Commission expires / /

CINDY A. SRAGG
Notary Public
My Commission Expires
January 23, 2009

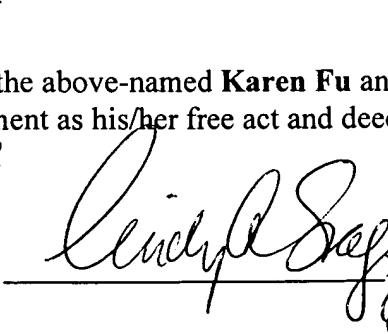
Inventor:



Karen Fu

State/Commonwealth
of Massachusetts
County of Middlesex

Then personally appeared before me the above-named **Karen Fu** and acknowledged that
he/she executed the foregoing instrument as his/her free act and deed this 18th
day of July, 2003.



Cindy A. Sragg Notary Public
(print name)

(SEAL)

My Commission expires / /

CINDY A. SRAGG
Notary Public
My Commission Expires
January 23, 2009

COPY

Inventor: Jeffrey S. Hrkach
Jeffrey S. Hrkach

State/Commonwealth
of Massachusetts
County of Middlesex

Then personally appeared before me the above-named **Jeffrey S. Hrkach** and acknowledged that he/she executed the foregoing instrument as his/her free act and deed this 1st day of July, 2003.

(SEAL)

Cindy A. Sragg
Notary Public
(print name)

My Commission expires / /

CINDY A. SRAGG
Notary Public
My Commission Expires
January 23, 2009

Inventor: Wen-I Li
Wen-I Li

State/Commonwealth
of Massachusetts
County of Middlesex

Then personally appeared before me the above-named **Wen-I Li** and acknowledged that he/she executed the foregoing instrument as his/her free act and deed this 30th day of June, 2003.

(SEAL)

Cindy A. Sragg
Notary Public
(print name)

My Commission expires / /

CINDY A. SRAGG
Notary Public
My Commission Expires
January 23, 2009

COPY

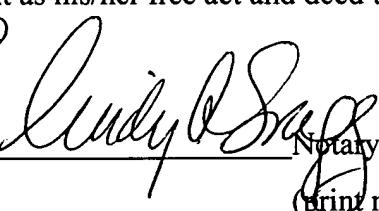
Inventor:


Michael M. Lipp

State/Commonwealth
of Massachusetts
County of Middlesex

Then personally appeared before me the above-named **Michael M. Lipp** and acknowledged
that he/she executed the foregoing instrument as his/her free act and deed this 2nd
day of July, 2003

(SEAL)


Cindy A. Sragg
Notary Public
(print name)

My Commission expires / /

CINDY A. SRAGG
Notary Public
My Commission Expires
January 23, 2009

Inventor:


Mei-Ling Pan

State/Commonwealth
of Massachusetts
County of Middlesex

Then personally appeared before me the above-named **Mei-Ling Pan** and acknowledged
that he/she executed the foregoing instrument as his/her free act and deed this 30th
day of June, 2003

(SEAL)


Cindy A. Sragg
Notary Public
(print name)

My Commission expires / /

CINDY A. SRAGG
Notary Public
My Commission Expires
January 23, 2009

COPY

Inventor: Jason
Jason Summa

State/Commonwealth
of Massachusetts
County of Middlesex

Then personally appeared before me the above-named **Jason Summa** and acknowledged
that he/she executed the foregoing instrument as his/her free act and deed this 8th
day of ~~July~~, 2003

Cindy A. Sragg
Notary Public
(print name)

My Commission expires / /

CINDY A. SRAGG
Notary Public
My Commission Expires
January 23, 2009

COPY

ASSIGNMENT

WHEREAS, we, **Richard P. Batycky, Giovanni Caponetti, Mariko Childs, Elliot Ehrich, Karen Fu, Jeffrey S. Hrkach, Wen-I Li, Michael M. Lipp, Mei-Ling Pan and Jason Summa**, have invented a certain improvement in **INHALABLE EPINEPHRINE** described in an application for Letters Patent of the United States, the specification of which:

[X] is being executed on even date herewith and is about to be filed in the United States Patent Office;

[] was filed on [] as Application No. [];

[] was patented under U.S. Patent No. [] on [].

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NOW, THEREFORE, to all whom it may concern be it known that for and in consideration of said agreements and of other good and valuable consideration, the receipt of which is hereby acknowledged, we have sold, assigned and transferred and by these presents do hereby sell, assign and transfer unto said ASSIGNEE, its successors, assigns and legal representatives, the entire right, title and interest in and throughout the United States of America, its territories and all foreign countries, in and to said invention as described in said application, together with the entire right, title and interest in and to said application and such Letters Patent as may issue thereon; said invention; application and Letters Patent to be held and enjoyed by said ASSIGNEE for its own use and behalf and for its successors, assigns and legal representatives, to the full end of the term for which said Letters Patent may be granted as fully and entirely as the same would have been held by us had this assignment and sale not been made; we hereby convey all rights arising under or pursuant to any and all international agreements, treaties or laws relating to the protection of industrial property by filing any such applications for Letters Patent. We hereby acknowledge that this assignment, being of the entire right, title and interest in and to said invention, carries with it the right in ASSIGNEE to apply for and obtain from competent authorities in all countries of the world any and all Letters Patent by attorneys and agents of ASSIGNEE's selection and the right to procure the grant of all such Letters Patent to ASSIGNEE for its own name as assignee of the entire right, title and interest therein;

COPY

-2-

AND, we hereby further agree for ourselves and our executors and administrators to execute upon request any other lawful documents and likewise to perform any other lawful acts which may be deemed necessary to secure fully the aforesaid invention to said ASSIGNEE, its successors, assigns and legal representatives, but at its or their expense and charges, including the execution of applications for patents in foreign countries, and the execution of substitution, reissue, divisional or continuation applications and preliminary or other statements and the giving of testimony in any interference or other proceeding in which said invention or any application or patent directed thereto may be involved;

AND, we do hereby authorize and request the Commissioner of Patents of the United States to issue such Letters Patent as shall be granted upon said invention to said ASSIGNEE, its successors, assigns, and legal representatives.

Inventor _____ Date _____
Richard P. Batycky

Address 11 Madison Avenue
Newton, Massachusetts 02460

Witness _____

Address _____

Witness _____

Address _____

COPY

3

Inventor Giovanni Caponetti Date 20. GIUGNO 2003
Giovanni Caponetti

Address Via Romagnosi 33
Piacenza, Italy 29100

Witness Eleonora Montanari
Address VIA ROMAGNOLO 33
29100 PIACENZA ITALY

Witness Valeria Caponetti
Address VIA GENOVA 33
29100 PIACENZA ITALY

Inventor Mariko Childs Date

Address 21 Bowdoin Street
Arlington, Massachusetts 02474

Witness

Address

Witness

Address

COPY

Inventor _____ Date _____

Elliot Ehrich

Address _____ 2 Oak Meadow Road

_____ Lincoln, Massachusetts 01773

Witness _____

Address _____

Witness _____

Address _____

Inventor _____ Date _____

Karen Fu

Address _____ 20 Mead Street, #2

_____ Cambridge, Massachusetts 02140

Witness _____

Address _____

Witness _____

Address _____

COPY

-5-

Inventor _____ Date _____
Jeffrey S. Hrkach

Address 24 Cambridge Terrace, Unit 2

Cambridge, Massachusetts 02140

Witness _____

Address _____

Witness _____

Address _____

Inventor _____ Date _____

Wen-I Li

Address 32 James Street

Lexington, Massachusetts 02420

Witness _____

Address _____

Witness _____

Address _____

COPY

Inventor _____ Date _____

Michael M. Lipp

Address 11 Salvi Drive

Framingham, Massachusetts 01701

Witness _____

Address _____

Witness _____

Address _____

Inventor _____ Date _____

Mei-Ling Pan

Address 34 Myrtle Avenue

Cambridge, Massachusetts 02138

Witness _____

Address _____

Witness _____

Address _____

COPY

Inventor _____ Date _____

Jason Summa

Address 438 Massachusetts Avenue, Apt. 228

Arlington, Massachusetts 02474

Witness _____

Address _____

Witness _____

Address _____

ELMORE CRAIG, P.C.



**POWER OF ATTORNEY OR
AUTHORIZATION OF AGENT AND
CORRESPONDENCE ADDRESS**

| | |
|-------------------------------|--------------------|
| <i>Application Number</i> | 10/607,571 |
| <i>Filing Date</i> | June 26, 2003 |
| <i>First Named Inventor</i> | Richard P. Batycky |
| <i>Confirmation Number</i> | 6287 |
| <i>Group Art Unit</i> | 3761 |
| <i>Examiner Name</i> | |
| <i>Attorney Docket Number</i> | 2685.2046-003 |

| | |
|--------------|-----------------------|
| <i>Title</i> | INHALABLE EPINEPHRINE |
|--------------|-----------------------|

I/We hereby appoint

the attorneys/agents associated with

Practitioner(s) named below:

Carolyn S. Elmore, Registration No: 37,567

Anne I. Craig, Registration No: 32,976

as my/our attorneys/agents to prosecute the application identified above, including any continuation or divisional applications thereof, and to transact all business in the United States Patent and Trademark Office connected therewith.

The correspondence address for the above-identified application is:

Elmore Craig, P.C.
209 Main Street
North Chelmsford,
Massachusetts 01863

Other

Please direct all telephone calls and facsimiles to:

| | | | | | |
|------|---------------|----------|--------------|---------|--------------|
| Name | Anne I. Craig | Tel. No. | 978-251-3509 | Fax No. | 978-251-3973 |
|------|---------------|----------|--------------|---------|--------------|

I am the:

Applicant/Inventor.

Authorized representative of the Assignee, Advanced Inhalation Research, Inc. of the entire interest. See 37 C.F.R. § 3.71. A Statement under 37 C.F.R. §3.73(b) is enclosed.

Authorized representative of the Assignee, [], together with [], of the entire interest. A Statement under 37 C.F.R. § 3.73(b) is enclosed.

SIGNATURE of Applicant or Assignee of Record

| | |
|--------------|--|
| Name & Title | Claire M. Vassios, Vice President of Intellectual Property |
| Signature | <i>Claire M. Vassios</i> |
| Date | 7/24/03 |